

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2021-89-E

In the Matter of:

Duke Energy Carolinas, LLC's 2021
Avoided Cost Proceeding Pursuant to
S.C. Code Ann. Section 58-41-20(A)

**FIRST SET OF REQUESTS FOR
PRODUCTION OF PELZER HYDRO
COMPANY, LLC, AQUENERGY
SYSTEMS, LLC, AND NORTHBROOK
CAROLINA HYDRO, LLC TO
DUKE ENERGY CAROLINAS, LLC**

**TO: FRANK ELLERBE AND BRETT BREITSCHWERDT, ATTORNEYS FOR
DUKE ENERGY CAROLINAS, LLC**

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure and S.C. Code of Ann. Regs. §§ 103-833 and 103-835, Intervenor Pelzer Hydro Company, LLC ("Pelzer"), Aquenergy Systems, LLC ("Aquenergy") and Northbrook Carolina Hydro, LLC ("Northbrook") (collectively, the "Hydropower Petitioners") request that Duke Energy Carolinas, LLC ("DEC") **no later than twenty (20) days from the date of service hereof**, produce and permit the inspection, copying and/or photographing of:

DEFINITIONS

1. "You," "your," "Duke," and "DEC," and any variants thereof, refers to and shall mean Duke Energy Carolinas, LLC, its predecessors or successors in interest, and any of its directors, officers, partners, agents, employees, other representatives, or any person or entity acting, or purporting to act, on its behalf.

2. "Person" means any natural person, sole proprietorship, corporation, company, association, joint venture, firm, partnership or other legal or business entity in whatever form.

3. “Representative” means any person acting or purporting to act on behalf of any other person.

4. “Proceeding” shall mean the above-captioned matter.

5. As used herein, the term “document” shall mean the original draft of any kind of written or graphic material, however produced or reproduced, of any kind or description, whether sent or received or neither, and all copies thereof which are different in any way from the original and including without limitation: any paper, book, account, films, photographs, drawings, diagrams, sketches, maps, video tapes, agreement, contract, memorandum, advertising material, letter, electronic mail, text message, telegram, object, report, record, correspondence, transcripts, study, diaries, calendars, note, notation, working paper, inter-office communication, chart, schedules, summaries, analyses, index sheet, checks, check stubs, delivery tickets, bills of lading, invoices, recordings of telephone or other conversations, or of interviews, or of conferences or any other written, recorded, transcribed, punched, tapes, filmed or other graphic matter, however produced or reproduced which you have or have had access to or which you had knowledge.

6. The words “communication” or “communications” include any verbal conversations or any other statement from one person to another, including but not limited to, any interview, conference, conversation, discussion, meeting, writing (electronic or otherwise) or telephone conversation.

7. As used herein, the term “referring” or “relating” means reflecting, containing, pertaining, indicating, showing, concerning, constituting, evidencing, describing, discussing or mentioning.

8. The singular form of a word shall refer to the plural, and words used in the masculine gender shall also include the feminine, and vice-versa.

INSTRUCTIONS

1. These requests for production of documents are continuing in nature. Should the Plaintiffs acquire additional information or documents responsive to these requests for production after serving their answers hereto, the documents shall be supplemented so as to provide such additional information.

2. If a privilege not to produce is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege and the legal and factual basis for such claim.

3. If a refusal to produce a document is stated on the grounds of burdensomeness, identify the number and nature of the documents needed to be searched, the location of the documents, and the number of person hours and amount of cost required to conduct the search.

4. Answer each request to produce on the basis of the entire knowledge of the Plaintiffs including without limitation information in the possession of the Plaintiffs' consultants, investigators, representatives, agents, and attorneys.

5. If a request to produce cannot be performed in full, produce to the fullest extent possible and specify all reasons for the inability to produce in full.

6. In addition to production of the information requested, written responses to these requests must be provided within the time specified by S.C. Code of Ann. Regs. §§ 103-833 and 103-835.

DOCUMENTS TO BE PRODUCED

1. Any and all documents, including but not limited reports, memoranda, correspondence, tests, data, among others, which relate to the claims, defenses, and/or subject matter of the Proceeding.

2. All documents used, relied upon, or referred to in connection with the preparation of your Answers to Interrogatories propounded by the Hydropower Intervenors.

3. All communications or other documents containing statements from any person that relate to the subject matter of the Proceeding, including, by way of example, statements and documents concerning hydropower facilities and DEC's proposed avoided cost rate.

4. All documents for which identification or description was requested in Interrogatories.

5. Any and all documents that you intend to introduce or in any way use at a hearing in this Proceeding.

6. All documents that refer or relate to any inspections, investigations, tests, case studies, models, assumptions, methodologies, and data or analysis performed by any person or entity concerning the subject matter of the Proceeding, including without limitation any and all reports, notes, correspondence, videos, photos, or other documents.

7. Copies of any and all documents or materials related to any consultants' or experts' reports, analyses, calculations, or tests concerning DEC's proposed avoided cost rate.

8. With regard to any expert witness identified by you, all documents prepared by the expert, all documents sent to the expert, all documents relied upon by the expert, all documents consulted or reviewed by the expert, all documents setting forth the compensation between you and the expert, and all documents including curriculum vitae which may be used to establish the expert's qualifications.

9. All documents concerning any matter in the Proceeding provided to or received from third parties, including experts.

10. Any and all correspondence, communications, etc., relating to any matters at issue in the Proceedings, including, by way of example, statements and documents concerning hydropower facilities and DEC's proposed avoided cost rate.

11. All documents, including any transcripts of testimony, from 2016 to the present, describing, explaining, discussing, or setting forth any DEC position or policy relating to hydropower facilities in South Carolina.

12. All documents showing any amounts DEC charges its ratepayers for operating and selling power generated by hydropower facilities owned or controlled by DEC.

13. All documents, if any, showing how DEC accounted for differences in geographic location and resource type as it relates to hydropower when developing the avoided cost rates proposed by DEC in this Proceeding. See S.C. Code Ann. § 58-41-20(B)(3).

14. All documents showing payments made by DEC to the Hydropower Intervenors, including any related to the facilities identified in their Motion to Intervene. By way of example, responsive documents would show payments for energy, capacity, ancillary services, or renewable energy credits.

Note that these Requests shall be deemed continuing so as to require timely supplemental responses and production in the course of discovery and prior to trial or hearing.

<signature page follows>

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